

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 11, 2024**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

AMANDA P.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-cv-03193-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 8, 12**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 12, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Katherine Watson represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop  
9 the record;
- 10 • Reevaluate the opinion evidence and prior administrative medical  
11 finding evidence, discuss the two most important factors of  
12 supportability and consistency, and explain any restrictions not  
13 adopted in the RFC finding;
- 14 • Continue with the sequential evaluation and reevaluate Plaintiff's  
15 testimony and the RFC as needed;
- 16 • Call a vocational expert if needed; and
- 17 • Issue a new decision.

18 *See* ECF No. 12 at 1-2.

19 3. Judgment shall be entered for **PLAINTIFF**.  
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1 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is **STRICKEN**  
2 **AS MOOT.**

3 5. Upon proper presentation, this Court will consider Plaintiff's application  
4 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

5 The District Court Executive is directed to enter this Order, **enter**  
6 **Judgment**, forward copies to counsel, and **CLOSE THE FILE.**

7 DATED April 11, 2024.

8 s/Mary K. Dimke  
9 MARY K. DIMKE  
10 UNITED STATES DISTRICT JUDGE  
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